

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: SB 774

INTRODUCER: Senator Geller

SUBJECT: Motor Vehicles/Changing Lanes

DATE: March 28, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Favorable
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill prohibits driving outside of a travel lane, or otherwise violating traffic control devices or markings, for the purpose of overtaking a vehicle. The bill prohibits breaking into a queue of vehicles at a point ahead of the last vehicle in line.

This bill substantially amends s. 316.085 of the Florida Statutes.

II. Present Situation:

Florida motorists increasingly find themselves in queues of vehicles waiting to exit or enter a roadway, or merge lanes due to highway construction or other non-recurring congestion events. Many drivers have also experienced aggressive drivers purposefully avoid taking position at the rear of the line, by breaking into the queue downstream. This maneuver is often conducted without regard for signage, markings, or other traffic control devices, thereby endangering the general public.

Section 316.085, F.S., establishes limitations on overtaking, passing, changing lanes, and changing course. No current Florida Statute specifically addresses the act of breaking into a queue of vehicles.

III. Effect of Proposed Changes:

This bill clarifies the prohibition of driving a motor vehicle outside of an authorized travel lane, or over, across, or within a pavement marking such as a solid yellow line or painted median for the purpose of overtaking or passing another vehicle unless passing is explicitly permitted. An exception is made for a maneuver taken to avoid disabled vehicles or obstructions.

The bill defines a queue as more than one vehicle proceeding in the same direction, traveling at less than the posted speed limit, and aligned in one or more lanes for the purpose of exiting or entering a roadway, merging, or traveling through a designated construction zone.

Under the provisions of the bill, a driver who breaks into a queue at any point ahead of the last vehicle commits a noncriminal traffic infraction, punishable as a moving violation. When committed simultaneously with or in succession to one of the other actions listed in s. 316.1923, the offense becomes aggressive careless driving.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons violating ss. 316.085(3) and 316.085(4), F.S., would be charged with a moving violation punishable by a fine of \$60 plus court costs which vary by county.

C. Government Sector Impact:

This bill would generate indeterminate positive revenue from fines.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
